

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 1:15-CR-134-WSD
DAVID WEDEAN,)	
)	
Defendant.)	
_____)	

**GOVERNMENT'S RESPONSE TO COURT'S
ORDER OF OCTOBER 6, 2015, REGARDING
COMMUNITY CONFINEMENT FOR
DEFENDANT**

COME NOW the United States of America, and through the undersigned counsel, in response to the Court's Order of October 6, 2015, (Doc. 24) regarding where the Defendant is to serve his community confinement in light of Defendant's purported medical issues.

The Court sentenced the Defendant to four months of imprisonment and three years of supervised release. As a condition of supervised release, the Court ordered the Defendant to serve three months in community confinement followed by five months of home confinement; the Defendant was also ordered to perform 250 hours of community service. Citing health

issues, the Defendant moved to substitute an extended period of home confinement or community service for his Court-ordered three months of community confinement.

On October 6, 2015, the Court ordered: (1) the Defendant to provide a detailed summary of his medical conditions and the medical care reasonably required to attend to these conditions by October 16, 2015; and (2) the government to provide information about where the Defendant is scheduled to serve his community confinement and options to provide medical care at that facility, either internally or through an outside health provider, or at an alternative community confinement facility by October 30, 2015. An October 29, 2015, review of the Court's CM/ECF electronic filing system did not show that the Defendant filed a summary of his medical conditions and associated required medical care. The government did not receive separate delivery of such a filing.

Therefore, to timely comply with the Court's order, the government has attempted to address the Court's questions based only on the information and representations contained in the Defendant's initial Motion to Amend Sentence. In that motion, Defendant listed his medical conditions and medications he is taking.

The government communicated with the United States Probation Office (USPO) which contacted the director of the community confinement facility, Dismas Charities Atlanta (DCA), where the Defendant is scheduled to serve community confinement. The Director of DCA stated that, based on the Defendant's claimed medical issues, DCA would be unable to accommodate his placement because DCA does not have internal medical staff. At the time of this filing, the government had not received DCA's response about whether it can arrange for an outside health provider to treat the patient at DCA. Moreover, DCA's Director did not know of any community confinement facility that could accommodate the Defendant, if he suffers from his claimed medical conditions, but would inquire as to other options and facilities for the Defendant. As of October 29, 2015, neither the government nor USPO has been made aware of an alternative community confinement facility that can accommodate Defendant's claimed medical conditions.

Based on the above, the government does not oppose Defendant's Motion to Amend Sentence to the limited extent it seeks to substitute three months of community confinement with an additional three months of home confinement (for a total eight months of home confinement).

Respectfully submitted this 29th day of October, 2015.

/s/ David S. Lee
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CERTIFICATE OF FONT AND POINT SELECTION

Pursuant to Local Rule 7.1D, I hereby certify that the foregoing "Government's Response to Court's Order of October 6, 2015, Regarding Community Confinement for Defendant," has been prepared with one of the font and point selections approved by the Court in Local Rules 5.1B and 5.1C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2015, I electronically filed the foregoing "Government's Response to Court's Order of October 6, 2015, Regarding Community Confinement for Defendant," with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record:

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